

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL
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FILED
DEC 28 2007
STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

IN THE STATE BAR COURT OF THE STATE BAR OF CALIFORNIA

IN THE MATTER OF THE
CONVICTION OF:

ROSEMARY B. GREENLAW,
No. 166102

A Member of the State Bar
Crime(s) continued

) Case No. **06-C-12820**
) **AMENDED**
) Transmittal of Records of Conviction of Attorney (Bus. &
) Prof. Code §§6101-6102; Cal. Rules of Court, rule 9.5 et
) et seq.)
)
) ☒ [X] Felony;
) ☒ [X] Crime(s) involved moral turpitude;
) ☐ [] Probable cause to believe the crime(s) involved
) moral turpitude;
) ☐ [] Crime(s) which may or may not involve moral
) turpitude or other misconduct warranting discipline;
) ☐ [] Transmittal of Notice of Finality of Conviction.
) ☒ [X] **SUMMARY DISBARMENT IMPLICATIONS**
)

To the CLERK OF THE STATE BAR COURT:



1. Transmittal of records.

- ☒ [X] A. Pursuant to the provisions of Business and Professions Code, sections 6101-6102 and California Rules of Court, rule 9.5 et seq., the Office of the Chief Trial Counsel transmits a certified copy of the record of convictions of the following member of the Bar Court and for such consideration and action as the Court deems appropriate:
- ☐ [] B. Notice of Appeal
- ☐ [] C. Evidence of Finality of Conviction (Notice of Lack of Appeal)
- ☐ [] D. Other

Name of member: ROSEMARY B. GREENLAW

Date member admitted to practice law in California: December 1, 1993

Member's Address of Record: 825 Villa Ave.
San Jose, CA 95126

2. Date and court of conviction; offense(s).

The record of conviction reflects that the above-named member of the State Bar was convicted as follows:

Date of entry of conviction: October 19, 2007

Convicting court: Santa Clara County Superior Court

Case number(s): Santa Clara County Superior Court Case No. CC630874

Crime(s) of which convicted and classification(s): Violation of Penal Code section 115, Record-

Crime(s) continued:

ing False Instrument, two counts, felonies.

The State Bar requests that this Court classify respondent's crime as involving moral turpitude per se. Although a person can violate section 115 without actually defrauding anyone (*Generes v. Justice Court* (1980) 106 Cal.App.3d 678, 682) and there is no requirement that the falsehood be material (*People v. Feinberg* (1997) 51 Cal.App.4th 1566, 1578), section 115 does require proof of intentional dishonesty, i.e., "... knowing falsification of public records ..." (see *People v. Feinberg* (1997) 51 Cal.App.4th 1566, 1578; see also (see *Generes v. Justice Court* (1980) 106 Cal.App.3d 678, 682 ("The crime is complete when the deed has been prepared so that 'upon its face it will have the effect of defrauding one who acts upon it as genuine.'" (citation omitted))).

The Supreme Court has held that crimes based on "knowledge of the falsity of certain facts or documents, or of the illegality of certain conduct" involve moral turpitude per se (*In re Bloom* (1978) 44 Cal.3d 128, 134 (convictions, including one for presentation of false writing to United States government, 18 U.S.C. §1001, involved moral turpitude per se); see also *In re Rivas* (1989) 49 Cal.3d 794, 800 (convictions under Elections Code §§29200, subd. (a) [unlawful voter registration], 29303 [false nomination paper or declaration of candidacy] involved moral turpitude per se). In *In re Jones* (1971) 5 Cal.3d 390, 400, the Supreme Court ruled that the attorney's conviction for offering false evidence to a court (Pen. Code §132) constituted moral turpitude per se:

"It is utterly reprehensible for an attorney at law to actively procure or knowingly countenance the commission of perjury *Knowingly offering as genuine and true a written instrument fraudulently antedated and fraudulently fabricated is equally reprehensible.*"

(citation omitted).

In addition to constituting a crime involving moral turpitude, section 115 also qualifies for summary disbarment because it is a crime involving the "specific intent to deceive ... or make or suborn a false statement" (Bus. & Prof. Code § 6102(c)).

[X] 3. Compliance with Rule 9.20. (Applicable only if checked.)

We bring to the Court's attention that, should the Court enter an order of interim suspension herein, the Court may wish to require the above-named member to comply with the provisions of rule 9.20, California Rules of Court, paragraph (a), within 30 days of the effective date of any such order; and to file the affidavit with the Clerk of the State Bar Court provided for in paragraph (c) of rule 9.20 within 40 days of the effective date of said order, showing the members' compliance with the provisions of rule 9.20.

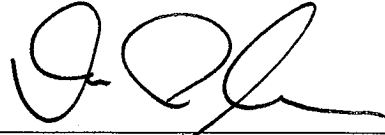
[X] 4. Other information to assist the State Bar Court.

We are submitting this Amended Transmittal in response to the Court's December 6, 2007 Order directing the State Bar to submit additional evidence proving the conviction.

DOCUMENTS TRANSMITTED:

Jury Verdicts filed October 19, 2007

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL



DATED: December 20, 2007

BY:

DONALD R. STEEDMAN
Supervising Trial Counsel

A copy of this transmittal and its
Attachments have been sent to:

PERSONAL & CONFIDENTIAL

Rosemary B. Greenlaw
825 Villa Ave.
San Jose, CA 95126

DECLARATION OF SERVICE BY MAIL

CASE NUMBER: 06-C-12820

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit. That in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of San Francisco, on the date shown below, a true copy of the within

AMENDED TRANSMITTAL OF CONVICTION RE ROSEMARY B. GREENLAW

in a sealed envelope placed for collection and mailing at San Francisco, on the date shown below, addressed to:

PERSONAL & CONFIDENTIAL

**Rosemary B. Greenlaw
825 Villa Ave.
San Jose, CA 95126**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, California, on the date shown below.

Signed: _____

Laura Williams

Date: _____

12/27/07